

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Mariposa County Unified School District	)	File No. SLD-223303
Mariposa, California	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanisms	)	

**ORDER**

**Adopted: January 24, 2005****Released: January 25, 2005**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Mariposa County Unified School District, Mariposa, California (Mariposa) seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> The decision denied Mariposa's Funding Year 2001 application for discounts under the schools and libraries universal service support mechanism on the grounds that Mariposa did not have an approved technology plan.<sup>2</sup> For the reasons set forth below, we grant Mariposa's Request for Review and remand Mariposa's application to SLD for further processing consistent with this Order.

2. Pursuant to Commission rules, participants in the schools and libraries discount program must base their service requests on technology plans that are approved by a state agency or other specified entity.<sup>3</sup> By letter dated July 23, 2001, SLD denied Mariposa's Funding Request Number 514834 due to Mariposa's failure to follow the technology plan rules.<sup>4</sup> On October 1, 2001, in denying Mariposa's appeal, SLD stated that it had contacted Mariposa regarding the technology plan and was told that a technology plan had been submitted to the California Department of Education (California DoE) for

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<sup>1</sup> Letter from Patrick Holland, Mariposa County Unified School District, to Federal Communications Commission, filed October 31, 2001 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Jeffrey Hamilton, Mariposa County Unified School District, dated October 2001 (Administrator's Decision on Appeal). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> 47 C.F.R. § 54.508.

<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Susan Golder, Mariposa County Unified School District, dated July 23, 2001 (Funding Commitment Decision Letter).

approval. Instead of contacting California DoE, SLD contacted the California Department of Information Technology for verification and was unable to find a record of the plan.<sup>5</sup>

3. On October 31, 2001, Mariposa filed the instant Request for Review with the Commission.<sup>6</sup> Mariposa states that it had a valid technology plan in place at the time its application was under review, and that SLD could have verified this at the California DoE website.<sup>7</sup> Mariposa also attaches a hard copy of the information listed on the California DoE website.<sup>8</sup>

4. We have reviewed the record and conclude that Mariposa did have a valid technology plan that complied with then-applicable program rules.<sup>9</sup> SLD's contact of the California Department of Information Technology, rather than the California DoE, to verify that Mariposa had an approved technology plan was in error. Consequently, we conclude that SLD improperly denied Mariposa's funding request. We therefore grant Mariposa's Request for Review and remand Mariposa's application to SLD for further processing in accordance with this Order.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Mariposa County Unified School District, Mariposa, California on October 31, 2001, IS GRANTED to the extent provided herein, and Mariposa's application is REMANDED to SLD for further processing in accordance with this decision.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> See Letter from Jeffrey Hamilton, Mariposa County Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed August 6, 2001.

<sup>6</sup> Request for Review.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> The Commission recently adopted additional technology plan requirements. See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15826-31, paras. 55-63 (2004).